UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/22117
21 January 1991

ORIGINAL: ENGLISH

LETTER DATED 21 JANUARY 1991 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my earlier letter of 21 January (S/22115) I have the honour to inform you on behalf of my Government that the Government of the United Kingdom of Great Britain and Northern Ireland has been obliged to make clear to the Iraqi authorities its concern about Iraq's compliance with the Third and Fourth Geneva Conventions in its response to the military action undertaken by the United Kingdom and other States pursuant to SCR 678. Two separate demarches have been made to the Iraqi Ambassador in London on 19 January and 21 January.

On 19 January the Iraqi Ambassador was asked whether the Iraqi Government was holding any British prisoners of war and reminded of Iraq's obligations under the Third Geneva Convention to notify the names of any prisoners held and to arrange access by the ICRC. The Iraqi Ambassador gave an assurance that any British prisoners of war would be treated in accordance with the Geneva Conventions and that their names would be given to the ICRC. He drew attention to the first military communiqué of the Iraqi Government which contained such assurances and called on the civilian population to treat any servicemen humanely.

In the light of television and news agency reports on 21 January indicating that captured British airmen had been displayed on Iraqi television, the Iraqi Ambassador was summoned again. He was told of the British Government's acute concern. Article 13 of the Geneva Convention provides that "Prisoners of war must at all times be protected particularly against acts of violence or intimidation and against insults and public curiosity". There had also been news agency reports that the Iraqi authorities were considering sending the captured POWs to strategic sites in Iraq. This would be a serious breach of Iraq's obligations under the Conventions. We expected scrupulous compliance with the Conventions in respect of all British prisoners of war including British servicemen. The Iraqi Ambassador was reminded of the responsibility of his Government and of individual Iraqis for any grave breach of the Conventions.

The Iraqi Ambassador was also reminded on 21 January of Iraq's obligations under the 1925 Geneva Protocol in respect of chemical and biological weapons. The United Kingdom would take the severest view of any use of these weapons by Iraq.

The United Kingdom sought an assurance that Iraq had no intention of using chemical or biological weapons. The Ambassador responded that he had no military authority to give such an assurance.

The British Government has made clear to the Iraqi Ambassador and to the International Committee of the Red Cross that for its part it will be complying scrupulously with its obligations under international humanitarian law, including the Third and Fourth Geneva Conventions. The British Government will be allowing full access by the ICRC both to Iraqi prisoners of war and to Iraqi citizens detained in the United Kingdom. The ICRC have already been provided with details of and access to all Iraqi nationals held in the United Kingdom.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) D. H. A. HANNAY